

MINUTES
UTAH
HEARING INSTRUMENT SPECIALIST BOARD
MEETING

July 11, 2007

Room 464 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:05 a.m

ADJOURNED: 11:25 a.m.

Bureau Manager:

Clyde Ormond

Board Secretary:

Jacky Adams

Board Members Present:

Lowell Brown, Chairperson
Paul Littlefield, Temporary Chairperson
Morris Mower

Board Members Absent:

Kent Milligan

Guests:

Bruce Sharp, Sharp Hearing Systems
Darlene Saiz, (HHPU) Hearing Health Providers of Utah
Society
Sanford Nichols, HHPU
Paul Lloyd, Edison Stanford
Mike Lloyd, Edison Stanford
Martin Beyer, Hearing Zone
Roxanne Olsen, Sonic Innovations
Victor Bray, Sonic Innovations

DOPL Staff Present:

F David Stanley, Division Director
Galen Kester, DOPL Investigations
Robert Downard, DOPL Investigations Supervisor

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:
MINUTES:

Mr. Mower seconded by Mr. Littlefield made a motion to approve the minutes from the April 11, 2007 meeting, the motion carried unanimously.

Elect a new Chairperson

Mr. Littlefield, seconded by Mr. Mower made a motion to elect Mr. Brown as the new chairperson for this board, the motion carried unanimously.

APPOINTMENTS:

9:15 a.m. - DOPL Investigation Closed Case
Review W/ Galen Kester & Bob Downard

Mr. Kester and Mr. Downard appeared for their scheduled appointment with the board. Mr. Kester questioned the board regarding when the industry, as a whole, deems the 30-day right to beginning. After a brief discussion Mr. Ormond reviewed 58-46a-503(1) and determined that the period begins on the date the device was delivered to the consumer. Mr. Ormond then reminded Mr. Kester that the contract must state the total cost to be retained by the Hearing Instrument Specialist in the case of cancellation.

Mr. Ormond then suggested for HHPU to add a section to their yearly seminar regarding this issue. Ms. Saiz commented that two hours has been set aside to discuss legal issues in relation to this profession. Mr. Ormond then added that he would have a letter placed on the Division's web site to help remind the profession of their legal requirements. He then encouraged Mr. Kester to take some type of action against any person's license who was not complying with the requirements of 58-46a-503.

Mr. Downard then submitted a quarterly report which summarized the complaints received by the Division since March of 2007, there have been an additional 20 complaints received, and 11 complaints closed. Mr. Ormond questioned why there was such a marked change since the last meeting. Mr. Downard explained that it was normal to have peaks and valleys in all professions; he did not feel that the profession was all "bad apples". Ms. Saiz then commented that even with the spike in complaints in the past three months, when you look at the number of Instruments sold; the profession seems to be very ethical.

9:30 a.m. - Bob Heygster

Mr. Heygster was unable to attend his scheduled appointment with the Board.

Mr. Ormond reviewed a letter from Mr. Bray, expressing his concerns with the proposed changes to R156-46a-502a (11). Mr. Bray explained that if this proposal was made into rule it could cause serious problems within the industry, and could confuse potential patients. Mr. Ormond agreed adding that the Division strives to only enact rules that are easy for the public to understand, and for the Division to enforce. Ms. Saiz agreed adding that the current wording is causing a lot of discontent within the profession, half of the profession agrees with the proposed wording and the other have disagrees. Mr. Ormond then suggested discussing the issue from both sides, and attempting to re-write this section. Ms. Saiz agreed adding that she would present any suggestions at the October 10, 2007 meeting.

Mr. Littlefield seconded by Mr. Mower made a motion to table this issue until the October 10, 2007 meeting, the motion carried unanimously.

DISCUSSION ITEMS:

Proposes Rules Changes

Mr. Ormond explained that the suggested changes to R156-46a-304 would, reduce the required Qualified Continuing Education hours from twenty to sixteen. The Board approved of the current wording. Ms. Saiz then commented that HHPU's yearly conference has been moved to the spring.

Mr. Ormond then expressed his concern with the proposed changes to R156-46a-502a (9), stating that the profession would need to supply evidence as to why they felt that reducing the number of allowable internships a supervisor could manage, should be reduced from two to one, prior to the Division making this change. The Board agreed, stating that two interns are acceptable as long as only one is on Direct Supervision.

Rule on Supervisor and Supervising

Mr. Ormond and Mr. Stanley explained that there is no conformity in how any of the Divisions professions define "Supervision". Mr. Stanley is proposing adding a section to R156-1 which will primarily define three levels of Supervision; Direct Supervision, Indirect Supervision, and General Supervision. Mr. Stanley then asked the Board to review his suggests and notify the Division if they wished to incorporate all, part, or none of Mr. Stanley's suggestions, by October 2007.

Mr. Ormond then explained that "Direct Supervision" for this profession is defined under 58-46a-102 (2). Which only leaves this profession with two options;
Leave statute as it is currently written or,
Make a Statutory change, to allow one of Mr. Stanley's definitions.

Mr. Mower seconded by Mr. Littlefield made a motion to not approve any part of Mr. Stanley's suggestions for this profession and to leave the current profession rules in place, motion carried unanimously.

CORRESPONDENCE:

NBCHIS Code of Ethics

Mr. Littlefield reviewed a letter the Division received from NBCHIS (National Board of Certification in Hearing Instrument Sciences), explaining their current Code of Ethics. Mr. Ormond questioned if not complying with the Code of Ethics should be added to 58-46a, as unprofessional conduct. Ms. Saiz commented that it should

be, explaining that an individual can not hold licensure within this State with out certification with NBCHIS, and an individual could not hold certification if they violated the Code of Ethics.

Mr. Brown seconded by Mr. Mower made a motion to incorporate the NBCHIS Code of Ethics by reference, into R156-46a-502a, the motion carried unanimously.

NCE Computer Based Exam

Reviewed – with no further action taken.

ADJOURN: 11:25 a.m.

Mr. Mower seconded by Mr. Littlefield made a motion to adjourn the meeting, the motion carried unanimously.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

October 10, 2007

(ss) Lowell Brown

Date Approved

Chairperson, Utah Hearing Instrument Specialist Board

October 10, 2007

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing